

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN-N-OUT BURGERS,

Plaintiff, Counter-defendant

Case No. 3:20-cv-11911

v.

Hon. Robert H. Cleland

DOLL N BURGERS LLC,
DOLL N BURGERS TECUMSEH, LLC,
and JUSTIN DALENBERG,

Anthony P. Patti,
Magistrate Judge

Defendants, Counter-plaintiffs.

Defendants-Counterplaintiffs' Preliminary Witness List

Defendants and Counter Plaintiffs Doll n' Burgers LLC, Doll n' Burgers Tecumseh, LLC (collectively DNB) and Justin Dalenberg, acting jointly through their counsel, may call the following persons at witnesses for trial:

1. Justin Dalenberg, founder and a principal member of DNB, who may testify regarding many of the issues raised in the complaint and counter-claims. Contact through Endurance Law Group PLC.
2. Ken Heers, DNB management team member and co-founder Doll n' Burgers Tecumseh, LLC, who may testify regarding many of the issues raised in the complaint and counter-claims. Contact through Endurance Law Group PLC.
3. Ryan Parshall, DNB management team member, who may testify regarding many of the issues raised in the complaint and counter-claims. Contact through Endurance Law Group PLC.
4. Carl Van Fleet, affiant supporting plaintiff's claims of acquired distinctiveness in connection with U.S. trademark registration application no. 86160813. Contact information unknown.

5. Michelle Todd, affiant supporting plaintiff's claims of acquired distinctiveness in connection with U.S. trademark registration application no. 86160813. Contact information unknown.
6. Mark Warshaw, affiant supporting plaintiff's claims of acquired distinctiveness in connection with U.S. trademark registration application no. 86160813. Contact information unknown.
7. Robert McLain, affiant supporting plaintiff's claims of acquired distinctiveness in connection with U.S. trademark registration application no. 86160813. Contact information unknown.
8. John D. Sizemore, affiant supporting plaintiff's claims of acquired distinctiveness in connection with U.S. trademark registration application no. 86160813. Contact information unknown.
9. Kevin Henrichson, affiant supporting plaintiff's claims of acquired distinctiveness in connection with U.S. trademark registration application no. 86160813. Contact information unknown.
10. Jathon Floren, affiant supporting plaintiff's claims of acquired distinctiveness in connection with U.S. trademark registration application no. 86160813. Contact information unknown.
11. Mark Lamoureux, affiant supporting plaintiff's claims of acquired distinctiveness in connection with U.S. trademark registration application no. 86160813. Contact information unknown.
12. Valerie Sarigumba, believed to be an in-house attorney for INO, who may testify concerning U.S. trademark registration application no. 86160813. Contact information unknown.
13. Lynne M.J. Boisineau, attorney formerly with McDermott, Will & Emery LLP, who may testify regarding files relating to U.S. trademark registration application no. 86160813. Contact information unknown.
14. Keeper of the records for McDermott, Will & Emery LLP, believed to be located at 4 Park Plaza, Suite 1700, Irvine, CA 92614, regarding its files concerning U.S. trademark registration application no. 86160813.

15. Potentially one or more expert witnesses to be identified, including an expert in conducting and evaluating consumer surveys.
16. Witnesses listed on plaintiff's preliminary and final witness lists.
17. Witnesses to rebut testimony or other evidence offered by any party.
18. Witnesses to authenticate documents.
19. Any deposition witness.
20. Defendants reserve the right to supplement this list up to and through trial.

Dated: November 16, 2020.

/Bradley L. Smith/
Bradley L. Smith
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Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he filed and served the Defendants-Counterplaintiffs' Preliminary Witness List on November 16, 2020 by filing it with the Court clerk via the ECF system, which system will transmit a copy to all counsel of record including:

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/Bradley L. Smith/
Bradley L. Smith
Endurance Law Group PLC